

FARRIS MATHEWS BRANAN  
BOBANGO HELLEN & DUNLAP PLC RECEIVED

ATTORNEYS AT LAW

MEMPHIS DOWNTOWN  
One Commerce Square, Suite 2000  
Memphis, Tennessee 38103  
Telephone 901-259-7100  
Facsimile 901-259-7150

HISTORIC CASTNER-KNOTT BUILDING  
618 CHURCH STREET, SUITE 300  
NASHVILLE, TN 37219

(615) 726-1200 telephone  
(615) 726-1776 facsimile

2005 AUG 17 MEMPHIS EAST  
1100 Ridgeway Loop Road, Suite 400  
Memphis, Tennessee 38120  
Telephone 901-259-7120  
Facsimile 901-259-7180  
T.R.A. DOCKET

Kristi Stout  
kstout@farrismathews.com

Reply to  
Nashville Office

August 17, 2005

Chairman Ron Jones  
Attn. Sharla Dillon  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, Tennessee 37243-0505

RE: Petition of King's Chapel Capacity, LLC for Certificate of Convenience and Necessity to Serve an Area in Williamson County, Tennessee Known as Ashby Community Docket No. 04-00335 (Renewed Motion for Expedited Hearing)

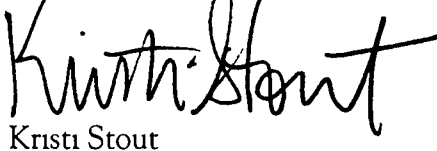
Dear Chairman Jones.

Please find enclosed for filing, an original and 14 copies of King Chapel Capacity's Renewed Motion for an Expedited Hearing and Special Conference.

Please date stamp one copy for my records. Thank you for your assistance regarding this matter. If you have any questions, or if I may be of further assistance, please do not hesitate to contact me.

Very truly yours,

FARRIS MATHEWS BRANAN  
BOBANGO HELLEN & DUNLAP, PLC

  
Kristi Stout

**BEFORE THE TENNESSEE REGULATORY AUTHORITY  
AT NASHVILLE, TENNESSEE**

<b>IN RE:</b>	)	
	)	
<b>PETITION OF KING'S CHAPEL CAPACITY</b>	)	
<b>FOR CERTIFICATE OF CONVENIENCE</b>	)	
<b>AND NECESSITY TO SERVE AN AREA IN</b>	)	<b>DOCKET NO. 04-00335</b>
<b>WILLIAMSON COUNTY, TENNESSEE</b>	)	
<b>KNOWN AS ASHBY COMMUNITY</b>	)	
	)	

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**PETITIONER'S RENEWED MOTION FOR EXPEDITED HEARING AND  
SPECIAL CONFERENCE**

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Comes now King's Chapel Capacity, L.L.C. ("KCC") and renews its motion to the Tennessee Regulatory Authority ("TRA" or "Authority") for an expedited hearing at a special conference in the above-captioned Petition for a Certificate of Public Convenience and Necessity ("CCN") pursuant to Chapter 1220-1-1-.06 of the Rules and Regulations of Practice and Procedure of the Tennessee Regulatory Authority.

**Legal Authority**

Tennessee Rules and Regulations **RULES OF TENNESSEE REGULATORY  
AUTHORITY CONSUMER SERVICES DIVISION CONSUMER SERVICES  
DIVISION CHAPTER 1220-1-1 RULES AND REGULATIONS OF  
PRACTICE AND PROCEDURE**

**§1220-1-1-.06 HEARINGS AND AUTHORITY CONFERENCES.**

(1) **All contested case hearings**, public hearings under rulemaking and any other hearings pursuant to these rules shall be held at the offices of the Authority in Nashville, Tennessee **at such dates and times as may be set in the official notice of hearing or as may be set by order of the Authority.**

(2) Scheduled and special Authority Conferences shall be held at the offices of the Authority in Nashville, Tennessee at such dates and times as the Authority may direct. The Authority may schedule regular, periodic dates for Authority

Conferences, which may be rescheduled by the Authority, and any special meetings at such places, dates and times as the Authority may direct.

**(3) On its own motion or on the motion of any party, the Authority may fix the place, date and time of any hearing as it deems appropriate.**

Authority: Tennessee Code Annotated, §§ 65-1-203, 65-2-102 and 65-2-108.  
Administrative History: Original rule filed June 30, 2000; effective September 13, 2000.

### **Filing History**

On October 5, 2004, KCC filed its petition for a CCN to serve the Ashby Community in Williamson County, known as the Kings Chapel subdivision. At a regularly scheduled Authority Conference held on November 22, 2004, the panel assigned to this docket unanimously voted to appoint a Hearing Officer to prepare the matter for hearing by the panel. On December 3, 2004, the Hearing Officer issued an Order establishing a procedural schedule, noting that KCC's "request for an expedited hearing is well-taken." The Hearing Officer set a hearing date of January 13, 2005 before the panel. On December 17, 2005, the Hearing Officer held this matter in abeyance pending the outcome of a challenge over the ownership of the wastewater system before the Williamson County Chancery Court and a determination by the Tennessee Department of Environment & Conservation ("TDEC") whether to issue a State Operating Permit.

On May 24, 2005, KCC filed notice with the Hearing Officer that the Williamson County Chancery Court had made a determination of ownership over the wastewater system in KCC's favor, and on July 25, 2005, KCC filed notice with the Hearing Officer that TDEC had issued a State Operating Permit to KCC.

On August 4, 2005 a data request was issued to KCC by the TRA Staff. KCC responded to this data request on August 10, 2005.

### **Renewed Motion for Expedited Hearing**

From the time this Petition was filed, KCC has made the TRA aware of the importance of an expeditious review and approval of this Petition. The filing history described above, clearly demonstrates the diligent manner in which KCC has responded to every requirement placed upon it by the Hearing Officer and the TRA Staff. In addition, at present there are no interveners in this docket.

The urgency behind the review and approval of this Petition is principally based upon the fact that the owners and developers of the Kings Chapel Subdivision had already completed a significant portion of the Subdivision, had in hand contracts to sell all of the developed lots (48), and have spent over 3.5 million dollars before this petition was ever filed. Since this petition was filed, the owners have spent an additional \$500,000 primarily in interest charges and legal fees on actions that caused costly and unnecessary delays to the developers, owners and public need for housing. During these regrettable delays the Final Plat once approved by the Williamson County Planning Commission expired. The Owners and Developers must now re-submit this Final Plat for another vote that will take place on September 8<sup>th</sup> in Williamson County. If the owners and Developers do not have the CCN by **August 29<sup>th</sup>** the public need for housing in Williamson County, TN will be unreasonably delayed, additional monies will be unnecessarily lost, and the County process will suffer still additional delays until at least October 2005. Attached as Exhibit 1 to this Petition, are photographs of the Kings Chapel Subdivision that has been on hold for a year waiting to be developed. As can be

seen from these photographs, the roads, drainage, infrastructure and all other utilities have been put in place with the exception of the wastewater system. The delay in acting upon this matter has already cost the owners of Kings Chapel Subdivision approximately \$1,000 per day in interest expense. This interest expense will exceed \$400,000.00 since this matter was first held in abeyance by the Hearing Officer to the date lots are sold to home builders. Each day this process is delayed the costs to the public for lots increases. Any expediting of this matter directly benefits the public at large and their attendant ability to purchase lots and homes at an affordable price.

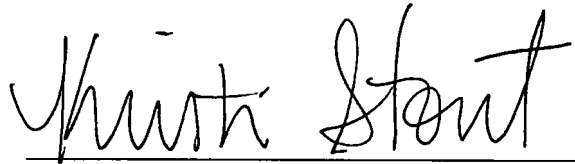
In addition, the commencement on construction of the single family homes to be serviced by KCC upon approval has been prevented pending the TRA's ruling. Thousands of dollars are lost each day that this development is held up, lots cannot be sold and the public need will remain unsatisfied. Also, anxious future homeowners are not able to begin building their homes until TRA action is taken.

### **Special Conference**

Although the Hearing Officer has recognized KCC's need for an expedited hearing, no such hearing date has been set nor any notice given. Therefore, KCC respectfully requests that this Petition be set for hearing at the earliest date possible and on a special conference if necessary. In order to meet Williamson County deadlines a **special conference would have to be convened on or before August 29<sup>th</sup>. Therefore, if possible we would respectfully request a special conference on or before the August 29<sup>th</sup> deadline.**

Respectfully submitted, this 17th day of August, 2005.

**FARRIS MATHEWS BRANAN  
BOBANGO HELLEN & DUNLAP, PLC**

A handwritten signature in black ink, reading "Kristi Stout". The signature is written in a cursive, flowing style. The first name "Kristi" is followed by a space and then the last name "Stout". The signature is positioned above a horizontal line.

Charles B. Welch, Jr.

Kristi Stout

618 Church Street, Suite 330

Nashville, TN 37219

(615) 726-1200

Attorneys for Petitioner

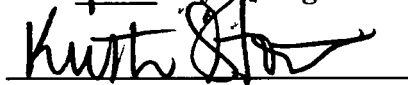
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**CERTIFICATE OF SERVICE**

The undersigned hereby certified that the foregoing document has been served upon the following person/s by hand delivery or by United States Mail, with proper postage prepaid thereon:

Henry Walker, Esquire  
Boult, Cummings, Conners & Berry, PLC  
1600 Division Street, Suite 700  
P.O. Box 340025  
Nashville, TN 37203-00259

Richard Militana  
Militana & Militana  
5845 Old Highway 96  
Franklin, Tennessee 37064

This 17<sup>th</sup> day of August 2005.  
  
\_\_\_\_\_  
Kristi Stout

